

REC'D PCPTO 06 MAR 2002

#3
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: YAHYA HAGHIRI ET AL.

SERIAL NO.: 09/926,010

FILED: 14 August 2001

FOR: PORTABLE DATA SUPPORT WITH A
DETACHABLE MINI CHIP CARD

THE COMMISSIONER FOR PATENTS

Washington, D.C. 20231

Sir:

The below identified communication(s) or document(s) is(are) submitted in the above application or proceeding:

- Declaration Issue Fee Transmittal
 Petition for Extension of Time (4 months - \$1,440) Check in the Amount of \$1,610.00
 Formal Drawings Assignment, including cover sheet and fee of \$40
 Declaration by a Legal Representative of Inventor - Inventor Deceased Copy of Notice to File Missing Parts and fee of \$130

Please debit or credit Deposit Account Number 02-0200 for any deficiency or surplus in connection with this communication. A duplicate copy of this sheet is provided for use by the Deposit Account Branch.

03/08/2002 UEDUVIJE 00000050 09926010

03 FC:154

130.00 OP



Customer 23364

BACON & THOMAS, PLLC
625 SLATERS LANE - FOURTH FLOOR
ALEXANDRIA, VIRGINIA 22314
(703) 683-0500

DATE: 06 March 2002

GROUP ART UNIT: unassigned

EXAMINER: unassigned

ATTY. REFERENCE: HAGH3001/JEK

Respectfully submitted,

J. Ernest Kenney
Attorney for Applicant
Registration Number: 19,179

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: YAHYA HAGHIRI ET AL.

SERIAL NO.: 09/926,010

FILED: 14 August 2001

FOR: PORTABLE DATA SUPPORT WITH A
DETACHABLE MINI CHIP CARD

GROUP ART UNIT: unassigned

EXAMINER: unassigned

ATTY. REFERENCE: HAGH3001/JEK

PETITION FOR EXTENSION OF TIME

THE COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

Applicant requests that the time for taking action in this case be extended pursuant to 37 CFR 1.136 (a) for:

- One Month Three Months
 Two Months Four Months
 Five Months

The fee set in 37 CFR 1.17 for the extension of time is \$1,440.00.

- Fee enclosed. Please charge any additional fee required for this extension of time to Deposit Account Number 02-0200. A duplicate copy of this paper is enclosed.
- Charge fee to Deposit Account Number 02-0200. A duplicate copy of this paper is enclosed.
- Applicant is a small entity entitled to pay reduced fees in this application.
A verified small entity statement has been filed. is enclosed.

Also enclosed is a:

- Response Notice of Appeal Appeal Brief

BACON & THOMAS, PLLC
625 SLATERS LANE - FOURTH FLOOR
ALEXANDRIA, VIRGINIA 223124-1176
(703) 683-0500



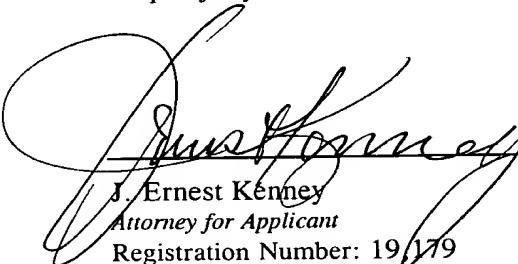
DATE: 06 March 2002

03/08/2002 UEDUVIJE 00000050 09926010

01 FC:118

1440.00 OP

Respectfully submitted,


J. Ernest Kenney
Attorney for Applicant
Registration Number: 19179

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yahya HAGHIRI et al.

PCT/DO/EO/US

Serial No.: 09/926,010

Filing Date: 14 August 2001

Attorney Docket: HAGH3001/JEK

For: PORTABLE DATA SUPPORT WITH A DETACHABLE MINI CHIP CARD

DECLARATION BY A LEGAL
REPRESENTATIVE OF INVENTOR - INVENTOR DECEASED

Commissioner for Patents
Washington, D.C. 20231

Sir:

This is responsive to the notification of missing requirements under 35 U.S.C. 371 in the above-identified U.S. patent application that was mailed September 6, 2001.

The inventor Yahya Haghiri an Iran citizen formerly residing in Germany, and who is named in the present application. Yahya Haghiri died before signing the Declaration for this application. Pursuant to 35 U.S.C. §117 and 37 C.F.R. §1.42, and MPEP 409.01(d), the Declaration has been executed by the heirs of Mr. Haghiri, namely Touba Haghiri on behalf of herself and on behalf of Sina Haghiri, a minor and also an heir of Mr. Haghiri; Szahra Haghiri and Mana Haghiri. Notably, Szahra and Mana Haghiri are German citizens.

A copy of the Notification of Missing Requirements is also submitted herewith, including the appropriate fee.

Respectfully submitted,
BACON & THOMAS, PLLC

J. ERNEST KENNEY
Attorney for Applicant
Registration No. 19,179



Customer 23364

BACON & THOMAS, PLLC

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Facsimile: (703) 683-1080

Date: March 6, 2002

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UNITED STATES PATENT AND TRADEMARK OFFICE

Date 4/1/01 Atty NTFM Reg
 Action Due INTERIM REG
 Deadline 10/01/01 9/16/01
 Final Deadline 10/01/01 9/16/01

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
www.uspto.gov

| | | |
|----------------------|-----------------------|--------------------------------|
| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/926010 | HAGHIRI | Y HAGH3001/JEK |
| | | INTERNATIONAL APPLICATION NO. |
| | | PCT/EP00/01272 |
| | | I.A. FILING DATE PRIORITY DATE |
| | | 16 FEB 00 17 FEB 99 |

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314

SEP 2001
Received
Bacon & Thomas
No _____

18 19 20 21 22 23 24 25 26 27 28 29 30 31

DATE MAILED: **06 SEP 2001****NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494) an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee. Indication of Small Entity Status.
- Copy of the international application. Translation of the international application into English.
- Oath or Declaration of inventors(s). Translation of Article 19 amendments into English.
- Copy of Article 19 amendments. Other:
- Priority Document.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.

2. Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- U.S. Basic National Fee. Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ _____ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: PCT/DO/EO/917 Notice of Defective Translation
 PTO-875 PCT/DO/EO/920

Karen Williams *(Signature)*

Telephone: 703-305-3688



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

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| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/926010 | HAGHIRI | Y HAGH3001/JEK |
| INTERNATIONAL APPLICATION NO | | |
| PCT/EP00/01272 | | |
| I.A. FILING DATE | PRIORITY DATE | |
| 16 FEB 00 | 17 FEB 99 | |

DATE MAILED: 06 SEP 2001

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a), (b) and (f) in that it:

1. is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. does not identify the application to which it is directed.
3. does not identify the inventor(s).
4. does not identify the citizenship of each inventor.
5. does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
2. does not state that the person making the oath or declaration:
 - a. has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
3. does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

Karen Williams *xw*

Telephone: 703-305-3688

510481

ATTORNEY/DOCKET NO: HAGH3001/JEK

DECLARATION FOR PATENT APPLICATION AND APPOINTMENT OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention (Design, if applicable) entitled: **PORTABLE DATA SUPPORT WITH A DETACHABLE MINI CHIP CARD** the specification of which (check one):

is attached hereto, or was filed on: **16 February 2000**

International Application Number: (PCT/EP00/01272) 09/926,010

as U.S. Application Number or PCT
and (if applicable) was amended on:

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in *Title 37, Code of Federal Regulations, §1.56*. I hereby claim foreign priority benefits under *Title 35, United States Code §119* of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

| PRIOR FOREIGN APPLICATION(S) | | | PRIORITY CLAIMED | |
|------------------------------|---------|----------------------|------------------|----|
| Number | Country | Day/Month/Year Filed | Yes | No |
| 199 06 569.1 | Germany | 17 February 1999 | X | |
| | | | | |

Additional Priority Application(s) Listed on Following Page(s)

| I HEREBY CLAIM THE BENEFIT UNDER TITLE 35 U.S. CODE §119(E) OF ANY U.S. PROVISIONAL APPLICATIONS LISTED BELOW. | |
|--|----------------------|
| Application Number | Day/Month/Year Filed |
| | |
| | |

Additional Provisional Application(s) Listed on Following Page(s)

I hereby claim the benefit under *Title 35, United States Code, §120* of any United States application(s) or PCT international application(s) designating The United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of *Title 35, United States Code, §112*, I acknowledge the duty to disclose information which is material to patentability as defined in *Title 37, Code of Federal Regulations, §1.56* which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

| Application Number | Filing Date | Status - Patented, Pending or Abandoned |
|--------------------|-------------|---|
| | | |
| | | |

Additional US/PCT Priority Application(s) listed on Following Page(s)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under *section 1001 of title 18 of the United States Code* and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: I (We) hereby appoint as my (our) attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: J. Ernest Kenney, Reg. No. 19,179; Eugene Mar, Reg. No. 25,893; Richard E. Fichter, Reg. No. 26,382; Thomas J. Moore, Reg. No. 28,974; Joseph DeBenedictis, Reg. No. 28,502; Benjamin E. Urcia, Reg. No. 33,805; and

I(we) authorize my(our) attorneys to accept and follow instructions from Klunker Schmitt-Nilson Hirsch regarding any matter related to the preparation, examination, grant and maintenance of this application, any continuation, continuation-in-part or divisional based thereon, and any patent resulting therefrom, until I(we) or my(our) assigns withdraw this authorization in writing.

Send correspondence to:



Customer 23364

BACON & THOMAS, PLLC

625 Slaters Lane - 4th Floor
Alexandria, VA 22314-1176

Telephone Calls to: J. Ernest Kenney
(703) 683-0500

| | |
|--|--|
| FULL NAME OF FIRST OR SOLE INVENTOR Yahya HAGHIRI | CITIZENSHIP Iran |
| RESIDENCE ADDRESS Winzererstrasse 98, D-80797 Munich, Germany | POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW Touba HAGHIRI as heir of Yahya HAGHIRI |
| DATE 1st February 2002 | SIGNATURE |

See following page(s) for additional joint inventors.

ATTORNEY/DOCKET NO: HAGH3004/JEK

CONTINUATION OF DECLARATION FOR PATENT APPLICATION AND APPOINTMENT OF ATTORNEY

Page 2

| PRIOR FOREIGN APPLICATION(S) (35 USC §119) | | | PRIORITY CLAIMED | |
|---|----------------|-----------------------------|-------------------------|-----------|
| Number | Country | Day/Month/Year Filed | Yes | No |
| | | | | |
| | | | | |
| | | | | |

| PRIOR PROVISIONAL APPLICATIONS 35 U.S. CODE §119(E) | |
|--|-----------------------------|
| Application Number | Day/Month/Year Filed |
| | |
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| PRIOR U.S. OR PCT INTERNATIONAL APPLICATIONS (35 U.S. CODE §120) | | |
|---|--------------------|--|
| Application Number | Filing Date | Status - Patented, Pending or Abandoned |
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| | |
|---|---|
| FULL NAME OF JOINT INVENTOR | CITIZENSHIP German |
| RESIDENCE ADDRESS Winzererstrasse 98, D-80797 München, Germany | POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW |
| DATE 1st February 2002 | Szahra HAGHIRI as heir of Yahya HAGHIRI SIGNATURE <i>Szahra Haghiri Delan</i> |

| | |
|---|--|
| FULL NAME OF JOINT INVENTOR | CITIZENSHIP German |
| RESIDENCE ADDRESS Winzererstrasse 98, D-80797 München, Germany | POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW |
| DATE 1st February 2002 | Mana HAGHIRI as heir of Yahya HAGHIRI SIGNATURE <i>Mana Haghiri</i> |

| | |
|---|--|
| FULL NAME OF JOINT INVENTOR | CITIZENSHIP Iran |
| RESIDENCE ADDRESS Winzererstrasse 98, D-80797 München, Germany | POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW |
| DATE 1st February 2002 | Touba HAGHIRI as parent of Sina HAGHIRI who is minor and a heir of Yahya HAGHIRI SIGNATURE <i>Touba Haghiri</i> |

| | |
|---|--|
| FULL NAME OF JOINT INVENTOR Renee-Lucia BARAK | CITIZENSHIP Germany |
| RESIDENCE ADDRESS Säulenstrasse 2, D-82008 Unterhaching, Germany | POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW |
| DATE 02/05/2002 | SIGNATURE <i>Renee-Lucia Barak</i> |

See following pages for additional joint inventors/priority applications.